

Attorney Docket No.: 00CON159PC-CIP1

REMARKS

Claims 1-27, 29, and 31-55 are pending in the present application.

Reconsideration and allowance of pending claims 1-27, 29, and 31-55 in view of the following remarks are requested.

A. Examiner's Response to 37 C.F.R. §1.131 Affidavit

The Examiner has stated that the 37 C.F.R. §1.131 Affidavit filed by Applicants on December 2, 2002 was insufficient to overcome the effective date of U.S. Patent No. 6,377,464 to Hashemi, et al. (hereinafter "the Hashemi, et al. reference"). Page 2 of the Office Action dated September 9, 2004. In particular, the Examiner has stated that "the evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Hashemi reference to either a constructive reduction to practice or an actual reduction to practice." Page 2 of the Office Action dated September 9, 2004.

Under 37 C.F.R. §1.131, the inventors of the claimed invention may submit an appropriate declaration to overcome a reference. The showing of facts shall be such as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the effective date of the reference to a subsequent reduction to practice or to the filing of the application. See 37 C.F.R. §1.131. Thus, pursuant to 37 C.F.R. §1.131, a showing of due diligence is not required when the showing of facts is such as to establish

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reduction to practice (and not merely conception) prior to the effective date of the reference.

In the response Applicants filed on November 26, 2002 to the Office Action dated July 18, 2002, declarations from the inventors, Hassan S. Hashemi and Kevin J. Cote, a copy of page 24 of the document entitled "Packaging Technology Development Program," dated September 1998 (hereinafter "the Packaging Program"), and a copy of pages 1 and 3 of the document entitled "Package Design Group Monthly Report," dated January 29, 1999 (hereinafter "the Package Report") were submitted to the PTO. Copies of the declarations from the inventors and copies of the Packaging Program and the Package Report are also enclosed herewith. As declared by the inventors, Hassan S. Hashemi and Kevin J. Cote, in the attached declarations, the "LGA-QNL" development project referred to in the Packaging Program is directed to the present invention as defined by pending claims 1-27, 29, and 31-55. Also, although the printed date of the Package Report is the same as that of the effective date of the Hashemi, et al. reference, i.e., January 29, 1999, inventors, Hassan S. Hashemi and Kevin J. Cote, have declared, in the attached declarations, that the design, testing, and analysis efforts described in the Package Report were completed even prior to the printed date of January 29, 1999. As such, the Package Report evidences design, testing, and analysis efforts of the present invention which pre-date the effective date of the Hashemi, et al. reference.

Further, as declared by the inventors in the attached declarations, the "RL-LGA" packages referred to in the Package Report are directed to the invention defined by claims


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1-27, 29, and 31-55. As such, design and testing of the invention was completed prior to the filing date (i.e. effective date) of the Hashemi, et al. reference. Applicants respectfully submit that the Packaging Program and the Package Report evidence that the invention of the subject matter of the present application, as defined by claims 1-27, 29, and 31-55, was indeed reduced to practice prior to January 29, 1999.

B. Conclusion

Accordingly, Applicants respectfully request that the rejection of pending claims 1-27, 29, and 31-55 under 35 U.S.C. §102(e) be withdrawn. For all the foregoing reasons, an early allowance of claims 1-27, 29, and 31-55 pending in the present application is respectfully requested.

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Respectfully Submitted,
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